INMATE VOTING

I. Registration Process

A. Eligibility to Register

- 1. Any person who is incarcerated in any federal, state, or local jail or prison and is otherwise eligible may register to vote.
- 2. Note that the inmate's eligibility to vote must be reviewed at the time the inmate applies to vote.

B. Supply of Voter Registration Forms

- 1. The Administrator of Elections (hereinafter the "Administrator") in each county must provide voter registration forms to each penal institution (hereinafter "prison") in his or her county.
- 2. To the best of his or her ability, the Administrator should assure that a ready supply of forms is kept at each prison.
- 3. Of course, if an inmate requests a voter registration form from the Administrator in his or her home county, the Administrator of that county should send such form.

C. Determination of Residency

- 1. The principles of determining residency that are found in T.C.A. § 2-2-122 govern the determination of residency for the inmate.
- 2. When registering to vote, an inmate is presumed to live at the last address where he or she resided before being incarcerated, known and referred to as the last free-world address and should register accordingly.
- However, when the inmate is incarcerated in a county other than where he or she last resided, the inmate may register at the address of the prison where he or she is located if the proper affidavits of residency have been completed. (See Attached Forms Labeled SS-3033B, SS-3034, SS-3035, SS-3036, and SS-3038)

4. Forms

a) SS-3033B – Affidavit of Inmate Residency

To be used by the inmate who wants to register at the address of the prison where he or she is located.

b) SS-3034 – Affidavit of Free World Resident of Tennessee:

To be used by a non-imprisoned resident of Tennessee who knows the inmate who wants to register at the address of the prison where he or she is located. In this affidavit, the non-imprisoned resident must attest that the inmate does not have any further connections to his or her last free world address.

c) SS-3035 – Affidavit

To be used by an inmate who at the time of his or her earliest parole date will be less than eighty (80) years old and will have one (1) year or more before his or her earliest release date. (Note that a release date simply means that person will no longer be incarcerated. However the person may remain under the authority of the prison through the parole process)

d) SS-3036 – Affidavit

To be used by an inmate who is within one (1) year of his or her earliest release date. (Note that a release date simply means that person will no longer be incarcerated. However the person may remain under the authority of the prison through the parole process)

e) SS-3038 – Affidavit of Counselor or Member of Clergy

To be used by a Counselor or Member of the Clergy who can attest that the inmate considers the county of incarceration home.

D. Inmate Registration Book

- The county election commission must maintain a registration book that contains the voter registration information of each inmate registered to vote from his or her county.
- 2. When the inmate is released from prison, the county election commission shall remove the inmate's registration records from the book and place the records with the other permanent voter registration records for the county voters.

E. Important Note

1. The registration of inmates has been greatly reduced by the legislation that declares all felonies deprive a person of the right to vote.

2. The rejection notice should clearly indicate the reason for rejecting the registration. (See Attached Form Titled "Inmate Voter Registration: Rejection Notice)

II. Application Process

A. Supplying the Applications for Ballot

- 1. The Administrator of Elections in each county must provide the Inmate Applications for Absentee Ballot By Mail (See Attached Form Labeled SS-3060) to each prison in his or her county.
- 2. If an inmate who is registered to vote in your county sends a request for absentee ballot, you must send the Inmate Application for Absentee Ballot By Mail to the inmate.

B. Processing the Application for Ballot

- 1. The incarcerated voter must mail the application for absentee ballot not more than ninety (90) days nor less than twenty-one (21) days prior to the election day.
- 2. Upon receipt of an Inmate Application for Absentee Ballot By Mail, the Administrator shall compare the signature on the application with the one and the permanent voter registration record and endorse on the application that the signatures are or are not the same.
- 3. The Administrator shall then process the application under the general laws governing applications for by mail ballot.

C. Mailing the Ballot

- 1. Not less than thirteen (13) days before the election, the Administrator must mail the absentee ballots the inmate voters who have so applied to vote.
- 2. If the inmate has been transferred, released or otherwise moved from the prison addressed in the application for ballot, the ballot must be returned to the Administrator and may not be forwarded to the inmate.

III. Voting Process

A. Location

1. There shall be a room, approved by the county election commission, designated at the prison for the inmates to vote secretly.

B. Officials Present

- 1. The county election commission shall send at least one (1) attesting official to each prison located in the county on the seventh (7th) day before the election.
- 2. The minority party may appoint one (1) attesting official to be present at to each prison located in the county on the seventh (7th) day before the election.
- 3. Unless requested by the attesting official, a policeman may not be within ten feet (10') of the polling booth or place of voting.

C. Date on which to Vote

1. On the seventh (7th) day before the election, all incarcerated voters with an absentee ballot shall cast his or her vote.

D. Mailing of Ballot

- 1. The inmate must provide the proper postage to mail the absentee ballot to his or her home county election commission office.
- 2. The attesting official shall deposit the ballots cast and attested in the nearest United States Post Office.

E. Counting the Inmate Ballot

- 1. The inmate ballot must be received by mail by the county election commission no later than the close of polls on election day.
- 2. The ballot must be processed like all other by mail ballots.

Inmate Voting overview (per Election Commission):

Election Commission checks with each facility to see if anyone wants to vote.

We mail an absentee ballot to voter.

A politically balanced team of Election Officials goes to the facilities 13 days before election day.

The inmate shows the Election Officials their Blank ballot.

The voter marks the ballot in the Election Officials presence but in private.

The inmate voter places the ballot in an envelope with postage purchased by the voter.

Election Officials immediately take the envelope to a mail box and mail to SCEC.

Ballots are counted as absentee ballots by the absentee counting board on Election day.